

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 06 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MONTEZ SALAMASINA OTTLEY,

Defendant - Appellant.

No. 05-10666

D.C. No. CR-00-00126-MLR
District of Hawaii,
Honolulu

ORDER

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 10 2006

at 10 o'clock and 00 min. AM
SUE BEITIA, CLERK

Before: Peter L. Shaw, Appellate Commissioner

The notice of appeal was filed on September 22, 2005 by standby counsel, Georgia K. McMillen, Esq. On October 24, 2005, the district court relieved standby counsel McMillen. On February 14, 2006, this court ordered appellant, within 28 days, to: (1) retain counsel who shall file a notice of appearance; or (2) file a motion for appointment of counsel at government expense; or (3) inform the court in writing of appellant's clear and unequivocal request that the court exercise its discretion to permit appellant to proceed on appeal without the assistance of counsel. *See* 9th Cir. R. 4-1(d); *Martinez v. Court of Appeal*, 528 U.S. 152 (2000).

05-10666

The court has received appellant's pro se request to dismiss this appeal. The request is granted. This appeal is dismissed. *See* Fed. R. App. P. 42(b); 9th Cir. R. 27-9.1.

The certified copy of this order sent to the district court shall constitute the mandate.

The Clerk shall also serve this order on appellant individually at Reg. No. 87604-022, Federal Detention Center (Honolulu), P.O. Box 30080, Honolulu, Hawaii 96820.


General Order 6.3(e)

